

**BEFORE THE STATE ETHICS COMMISSION
STATE OF GEORGIA**

In the matter of:

JAMES M. FINLEY

Respondent.

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2005-0058

TO: James M. Finley
1259 Metropolitan Avenue
Atlanta, Georgia 30316

FINAL ORDER

Following proper notice pursuant to the Administrative Procedure Act, the above-styled matter came before the State Ethics Commission on March 30, 2006. The hearing was held to determine if Respondent violated O.C.G.A. § 21-5-73 by failing to timely file disclosure reports. After consideration of the record in this matter, the Commission makes the following findings of fact and conclusions of law.

FINDINGS OF FACT

1.

The Respondent was a lobbyist at all times relevant to the matters asserted herein.

2.

The Respondent was required to electronically file a Disclosure Report with the State Ethics Commission for the period of January 1-31, 2005. The Respondent failed to timely file this report.

3.

The Respondent was required to electronically file a Disclosure Report with the State Ethics Commission for the period of February 1-28, 2005. The Respondent failed to timely file this report.

4.

The Respondent was required to electronically file a Disclosure Report with the State Ethics Commission for the period of March 1-31, 2005. The Respondent failed to timely file this report.

5.

The Respondent claimed that he was unable to file these reports due to a computer error. He testified that he first experienced this computer problem while attempting to file the January 1-31, 2005, report but that he did not contact the Ethics Commission staff about the problem until July 2005.

6.

In addition, Respondent failed to respond to at least one correspondence sent by the Ethics Commission staff concerning the late filing of the disclosure reports at issue in this case. Further, Respondent ignored a subpoena issued in this case by the Commission for a hearing on July 29, 2005.

CONCLUSIONS OF LAW

7.

Each registered lobbyist shall file a monthly disclosure report, current through the end of the preceding month, while the General Assembly is in session. O.C.G.A. § 21-5-73(a)-(b).

8.

In addition to other penalties provided in this article, the Commission may, by order, suspend the registration of a lobbyist for a period not to exceed one year if it finds that the lobbyist has “failed to comply with the reporting requirements of this article.” O.C.G.A. § 21-5-72(a)(3).

9.

As the facts presented to the Commission demonstrated, Respondent failed to timely file all the disclosure reports at issue in this case.

10.

The Respondent’s explanation of his failure to timely file the reports at issue in this case showed a lack of diligence on his part.

11.

The Commission finds that Respondent violated O.C.G.A. § 21-5-73 due to Respondent’s untimely filing.

FOR THE FOREGOING REASONS, the Commission hereby concludes:

- 1) that the Respondent violated the Ethics in Government Act on three occasions by failing to timely file Disclosure Reports while the 2005 General Assembly was in session;
- 2) that the Respondent is ordered to cease and desist from any and all violations of the Ethics in Government Act and to comply with all the provisions thereof;

- 3) that the Respondent is ordered to pay a civil penalty of \$500.00 per disclosure report not timely filed, a total of a \$1,500.00 civil penalty, from personal funds and not from campaign funds or government funds for the failure to timely file Disclosure Reports;
- 4) that, because the Respondent failed to comply with the reporting requirements of the Ethics in Government Act, the Commission suspends the registration of Respondent for sixty (60) days, beginning on March 31, 2006; and
- 5) that, during the suspension, Respondent is required to file all disclosure reports required of a lobbyist by the Ethics in Government Act.

This order serves as notice that Respondent is suspended from lobbying for sixty (60) days, beginning on March 31, 2006. If Respondent violates the suspension by lobbying during this time period, Respondent may be prosecuted for a misdemeanor for willful violation of the Ethics in Government Act. See O.C.G.A. § 21-5-9.

If the Respondent so chooses, Respondent may appeal the findings of the State Ethics Commission within thirty (30) days of receipt of this written Order by following the procedures outlined in O.C.G.A. § 50-13-19.

SO ORDERED, this 18th day of May, 2006, *nunc pro tunc* to March 30, 2006.

STATE ETHICS COMMISSION

BY:


STEVE FARROW
Chairman
State Ethics Commission